

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LAURENE YU,

Plaintiff,

-against-

CITY OF NEW YORK, and ADMINISTRATION FOR
CHILDREN SERVICES (ACS),

Defendants.

**DEFENDANTS' NOTICE OF
MOTION TO DISMISS
PLAINTIFF'S SECOND
AMENDED COMPLAINT**

17-CV-7327 (AJN)(BCM)

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PLEASE TAKE NOTICE that upon the accompanying Declaration of Assistant Corporation Counsel Kimberly E. Wilkens dated August 14, 2020, and the exhibits annexed thereto, the Memorandum of Law in Support of Defendants' City of New York and Administration for Children Services ("ACS") (collectively "Defendants") Motion to Dismiss Plaintiff's Second Amended Complaint, and upon all the papers and proceedings previously had herein, the Defendants will move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, Room 906, New York, NY 10007 before the Honorable Alison J. Nathan, on a date and time to be set by the Court, for a judgment, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing Plaintiff's Second Amended Complaint on the grounds that: (1) certain of Plaintiff's claims are barred by the applicable statute of limitations and/or failure to exhaust administrative remedies, (2) certain of Plaintiff's claims are barred at least in part in part by the doctrine of collateral estoppel, and, (3) Plaintiff's Second Amended Complaint otherwise fails to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1 of the Local Rules of the United States District Courts for the Southern District of New York, (1) any opposing affidavits and answering memoranda of law shall be served within fourteen days after service of the motion papers, and (2) any reply papers shall be served within seven days after service of the answering papers.

Dated: Syosset, New York
August 14, 2020

JAMES E. JOHNSON
Corporation Counsel of the
City of New York
Attorney for the Defendants
100 Church Street, Room 2-109e
New York, NY 10007
(212) 356-4083
kwilkens@law.nyc.gov

By: /s/
Kimberly E. Wilkens
Assistant Corporation Counsel

To:

Laurene Yu, Plaintiff *Pro Se* (by *E-mail* and *ECF*)